



03-28-06

JFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Burke T. Barrett : Attorney Docket: 1000.026 CON  
Reese S. Terry, Jr. :  
:  
:  
S/N: 10/661,641 :  
:  
:  
Filed: 09/15/03 : Group: 3762  
:  
:  
Title: Treatment of Neuropsychiatric :  
Disorders By Near-Diaphragmatic :  
Nerve Stimulation :  
:  
Examiner: Scott M. Getzow

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION DATED 11/25/05**

The present amendment is filed in response to the Office Action mailed November 25, 2005, having a three month shortened statutory response period, and to the Notice of Non-Compliant Amendment mailed March 10, 2006. It appears that the amendment has been deemed improper because in the response submitted February 27, 2006, the **Amendments to the Claims** and the **Remarks** were not presented on separate sheets.

In the present response, Applicants have submitted the Amendments and Remarks sections on separate sheets. Applicants respectfully request that the amendments now be entered and that the application be reconsidered. Because the present response is filed within one month of the Notice of Non-Compliant Amendment and is within the 6 month statutory window, it is believed that no additional fee is due. However, please charge any such fee to Cyberonics Deposit Account No. 503053.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.

(EQ036439672US)